IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9680 of 1994

Between:
M.Venkatachalapathy, S/o Papanna,
R/o Puttaparthy, Ananthapur Dist.

..... PETITIONER

AND

1. District Collector, Anantapur District, Anantapur.
2. Revenue Divisional Officer, Penukonda, Anantapur District.
3. Mandal Revenue Officer, Puttaparthy Mandal, Anantapur District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondent authorities as illegal, arbitrary and further direct not to evict the petitioner from possession and enjoyment of the land in S.No.290/2 to an extent of Ac.0.15 cents of Puttaparthy Revenue Village of Anantapur district and to pass such other or further orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.KAKARAVENKATA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following :

ORDER:

The petitioner is a resident of Pendukonda Village in Anantapur District. He claims that he is in possession and enjoyment of Government Poramboke land admeasuring Acs.0.15 in Survey No.290/2 allegedly for more than thirty years. He also alleges that he is paying land revenue to the authorities. He also applied to the first respondent for grant of assignment in respect of the said land on the ground that he is a landless poor person. As the same is not considered, apprehending that he will be evicted, he approached this Court.

The writ petition was admitted on 17.05.1994 and this Court passed interim orders on the same day directing the respondents not to evict the petitioner from the possession and enjoyment of the said land.

The Mandal Revenue Officer, Penukonda has filed counter affidavit denying the petition allegations. It is stated that the petitioner is a landlord and is not a landless poor person, therefore he is not entitled for assignment of the land. The allegation made by the petitioner that he is in possession of the land for more than thirty years is also denied. The details of the land owned by the petitioner in various Survey Numbers of Penukonda village admeasuring about Acs.5.00 are also furnished in the counter affidavit. The writ petition is also opposed on the ground that the petitioner has filed the suit being O.S.No.36 of 1994 on the file of the Court of the Principal District Munsif, Penukonda and suppressed the facts before this Court.

Heard the learned counsel for the petitioner and the learned counsel for Government Pleader for Revenue (Assignment).

After perusing the affidavit and the counter affidavit as well as considering the rival submissions, it becomes clear that the dispute relates to the status of the petitioner as a landless poor person and also the question whether he is in possession. Counter affidavit also denies the allegation that the petitioner applied for assignment of the land. Therefore, if the petitioner is in possession of the land as alleged, he may make a fresh representation and it shall be considered on its own merits having regard to the counter averments. In this writ petition, no relief can be granted to the petitioner. If the petitioner is still continues

to be in possession as on today as alleged, there shall be status quo as on today. Any representation to be made by the petitioner, it shall be disposed of by the third respondent within a period of six weeks after the receipt of the representation.

The writ petition, with the above observations, is disposed of.

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(V.V.S.RAO,J)

15.06.2004
pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Collector, Anantapur District, Anantapur.
2. Revenue Divisional Officer, Penukonda, Anantapur District.
3. Mandal Revenue Officer, Puttaparthy Mandal, Anantapur District.
4. 2 CCs to The G.P.for Revenue, High Court Buildings, Hyderabad.
5. 2 CD copies.